

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
_____)	
)	Hon. Patti B. Saris
THIS DOCUMENT RELATES TO THE)	
AMENDED MASTER CONSOLIDATED)	Chief Mag. Judge Marianne B. Bowler
CLASS ACTION)	
_____)	

**TRACK TWO DEFENDANTS'
EMERGENCY MOTION TO EXPEDITE THE BRIEFING
AND HEARING FOR THEIR MOTION TO COMPEL
PLAINTIFF BLUE CROSS BLUE SHIELD OF MASSACHUSETTS, INC. AND
THIRD-PARTY NATIONAL HERITAGE INSURANCE COMPANY
IN THEIR CAPACITIES AS THE
MEDICARE PART B CARRIERS FOR MASSACHUSETTS
TO PRODUCE DOCUMENTS AND WITNESSES FOR DEPOSITION
PURSUANT TO SUBPOENA**

On March 1, 2006, Plaintiffs filed a Fourth Amended Master Consolidated Class Action Complaint and proposed orders regarding class certification as to the Track Two Defendants. Central to the questions of whether any classes should be certified as to the Track Two Defendants, however, is the subpoenaed discovery that is the subject of the Track Two Defendants' Motion to Compel directed to plaintiff Blue Cross and Blue Shield of Massachusetts and National Heritage Insurance Company in their capacities as the Medicare Part B Carriers for Massachusetts [Docket Entries 2162-2164]. And following a hearing and ruling on the motion, and as may be required by the Court, additional time will be consumed while the two carriers produce and the defendants review and question the requested documents and designees.

WHEREFORE, the Track Two Defendants respectfully request that their Motion to Compel directed to the Part B Carriers for Massachusetts [Docket Entries 2162-2164] be briefed and heard on an expedited basis; that any memoranda in opposition to the motion to compel be made due on March 9, 2006; and that the matter be set for hearing at the Court's earliest convenience.

REQUEST FOR ORAL ARGUMENT PURSUANT TO LOCAL RULE 7.1(d)

The Track Two Defendants hereby request that their Motion to Compel [Docket Entries 2162-2164] be set for hearing on an expedited basis.

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Aventis Pharmaceuticals Inc. on behalf of
the Track Two Defendants*

Dated: March 3, 2006

LOCAL RULE 7.1(A)(2) AND 37.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel hereby certifies that I conferred telephonically on March 3, 2006 with Stephen L. Coco, counsel for Plaintiff Blue Cross and Blue Shield of Massachusetts, Inc. and Gary S. Starr, counsel for Third-Party National Heritage Insurance Company, in an attempt to narrow the areas of disagreement. The parties were unable to resolve the instant dispute.

/s/ Aimée E. Bierman
Aimée E. Bierman

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2006, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456. I further certify that on March 3, 2006, a copy of the foregoing was served on counsel for non-party National Heritage Insurance Company, Gary S. Starr, Esq., Shipman & Goodwin LLP, One Constitution Plaza, Hartford, Connecticut 06103-1919, via e-mail and Federal Express.

/s/ Aimée E. Bierman
Aimée E. Bierman